

Exhibit 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re: Equifax, Inc., Customer
Data Security Breach Litigation

MDL Docket No. 2800
No. 1:17-md-2800-TWT

This document relates to:

Chief Judge Thomas W. Thrash, Jr.

CONSUMER CASES

**DECLARATION OF DAVID L. BALSER REGARDING
SERVICE OF NOTICE UNDER CLASS ACTION FAIRNESS ACT OF 2005**

I, David L. Balser, declare as follows:

1. I am a counsel of record in this case and am a partner at the law firm King & Spalding LLP. I represent Equifax Inc., Equifax Information Services LLC, and Equifax Consumer Services LLC (“Defendants”) in this action. I make this declaration on my personal knowledge. If called as a witness, I could and would competently testify to the facts set out below.

2. In accordance with the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 and the Court’s Order Directing Notice (Dkt. No. 742), Defendants notified the appropriate federal and State officials via United States Postal Service or Federal

Express of the proposed settlement in this action and provided the other information required by § 1715 on August 1, 2019.

3. A true and correct copy of the notice letter, without its voluminous enclosures, is attached as Exhibit A.

4. A true and correct copy of the distribution list, listing the federal and State officials to whom Defendants sent the notice letter, is attached as Exhibit B. The officials listed on Exhibit B are the appropriate recipients of such notice under § 1715.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 7th day of August 2019.



David L. Balser
Georgia Bar No. 035835

Exhibit A

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August 1, 2019

To: All Appropriate Federal and State Officials, as set forth in 28 U.S.C. § 1715 (*see* attached Distribution List)

Re: CAFA Notice for the Proposed Settlement in *In re: Equifax, Inc., Customer Data Security Breach Litigation*, Case No. 1:17-md-2800-TWT (N.D. Ga.)

To Whom It May Concern:

Equifax Inc., Equifax Information Services, LLC, and Equifax Consumer Services, LLC (collectively, “Equifax”) hereby provide notice pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 (“CAFA”) of a proposed class action settlement (“Proposed Settlement”) with respect to the claims brought by consumers (“Consumer Plaintiffs”) in the above-captioned multidistrict litigation proceeding (“Action”).

The Proposed Settlement resolves putative class claims brought against Equifax by the Consumer Plaintiffs on behalf of the approximately 147 million U.S. consumers whose personal information was impacted as a result of the data breach Equifax announced in September of 2017 (“Data Breach”). Equifax has denied, and continues to deny, the Consumer Plaintiffs’ claims and all allegations of wrongdoing, fault, liability, or damage of any kind to the putative class members.

Accordingly, pursuant to 28 U.S.C. § 1715(b) Equifax provides the following information pertaining to the Proposed Settlement:

1. A copy of the Consolidated Consumer Class Action Complaint filed in the Action (included on the enclosed CD). *See* 28 U.S.C. § 1715(b)(1).¹

¹ After the U.S. Judicial Panel on Multidistrict Litigation (“JPML”) established the Action in the U.S. District Court for the Northern District of Georgia for coordinated or consolidated pretrial proceedings among the hundreds of cases arising out of the Data Breach, the Court ordered the Consumer Plaintiffs to file a master amended consolidated complaint. *See* Case Management Order No. 3 (“CMO-3”), *In re: Equifax, Inc., Customer Data Security Breach Litig.*, Case No. 1:17-md-2800-TWT (N.D. Ga.), ECF No. 248. The Consumer Plaintiffs then filed the Consolidated Consumer Class Action Complaint on May 14, 2018.

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2. The hearing seeking final approval of the Proposed Settlement is currently scheduled for December 19, 2019 in Courtroom 2108 of the Richard B. Russell Federal Building and United States Courthouse, located at 75 Ted Turner Drive, SW, Atlanta, Georgia 30303-3309. *See* 28 U.S.C. § 1715(b)(2).
3. A copy of the Consumer Plaintiffs' Motion to Direct Notice of Proposed Settlement to the Class (included on the enclosed CD), which contains the following:
 - a. The Settlement Agreement and Release between Equifax and the Consumer Plaintiffs (attached as Exhibit 1 to the Consumer Plaintiffs' Motion to Direct Notice of Proposed Settlement to the Class). *See* 28 U.S.C. § 1715(b)(4).
 - b. The Notice Plan detailing the proposed notifications to be provided to class members (attached as Exhibit 6 to the Settlement Agreement and Release). *See* 28 U.S.C. § 1715(b)(3).
4. No other settlements or agreements have been contemporaneously made between class counsel and counsel for Equifax. *See* 28 U.S.C. § 1715(b)(5).
5. No final judgment or notice of dismissal has been entered in the Action with respect to the Consolidated Consumer Class Action Complaint. *See* 28 U.S.C. § 1715(b)(6).
6. It is not feasible to provide the information described in 28 U.S.C. § 1715(b)(7)(A), in part because the class includes approximately 147 million U.S. consumers. Additionally, because distributions of benefits from the Proposed Settlement will be made in an amount determined by the Settlement Administrator and in accordance with the Settlement Agreement and Release, Equifax is unable at this time to estimate the proportionate share of the entire settlement to which the class members in each State will be entitled. *See* 28 U.S.C. § 1715(b)(7)(B). Accordingly, Equifax has attached to this notice a table depicting a reasonable estimate of the number and percentage of class members residing in each State, based on available address information.
7. A copy of the Court's Order Directing Notice of the Proposed Settlement to the Class (included on the enclosed CD). *See* 28 U.S.C. § 1715(b)(8).

If you have questions about this notice, the Proposed Settlement, or the enclosures, or if you did not receive or cannot access the above-listed materials, please contact counsel listed below.

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Sincerely,



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Enclosure: CD

Exhibit B

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